

### REMARKS/ARGUMENTS

This paper is submitted in response to the Office Action dated September 5, 2007. At that time, claims 1, 3-11, 13-34, and 40-50 were pending in the application. In the Office Action, the Examiner objected to claims 13 and 22. In response to this objection, claim 13 has been amended and claim 22 has been canceled.

Claims 1, 3-4, 7, 10, 16-21, 24, 27-29, 31-32, 40-44, 47, and 50 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,152,480 to Iwanaga (hereinafter "Iwanaga"). Claims 5-6, 11, 13, 23, 31, and 45-46 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Iwanaga in view of U.S. Patent No. 5,474,323 issued to Davidson (hereinafter "Davidson"). Claims 8, 14, 25, 33, and 48 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Iwanaga in view of Davidson and in further view of U.S. Patent No. 6,406,056 to Yokota (hereinafter "Yokota"). Claims 9, 15, 26, 34, and 49 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Iwanaga in view of Davidson and in further view of U.S. Patent No. 5,744,776 to Bauer (hereinafter "Bauer").

By this paper, Applicant has amended claims 1, 11, 16, 27, and 40 to recite that "the instrument panel substrate subtends the substrate surface of the airbag cover," and respectfully requests that the above-recited rejections be withdrawn.

**I. Rejection of Claims 1, 3-4, 7, 10, 16-21, 24, 27-29, 31-32, 40-44, 47, and 50 Under 35 U.S.C. § 102(b)**

The Examiner rejected claims 1, 3-4, 7, 10, 16-21, 24, 27-29, 31-32, 40-44, 47, and 50 under 35 U.S.C. § 102(b) as being anticipated by Iwanaga. This rejection is respectfully traversed.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP § 2131 (*citing Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Id.* (*citing Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). In addition, "the reference must be enabling and describe the applicant's claimed invention sufficiently to

have placed it in possession of a person of ordinary skill in the field of the invention." *In re Paulsen*, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

Applicants respectfully submit that the claims at issue are patentably distinct from Yokota in that Yokota does not disclose all of the elements in these claims. Specifically, independent claims 1, 11, 16, 27, and 40 have been amended to recite that the substrate surface "the instrument panel substrate subtends the substrate surface of the airbag cover." Support for this claim element is found throughout Applicant's specification, including Figure 3. The present claims also recite that the "airbag module cover is adapted to be integrated with an instrument panel substrate." This instrument panel substrate, as taught by our specification, is a portion of the instrument panel.

Such claim elements are not taught or suggested by Iwanaga. The Examiner indicates that Iwanaga's element 21 constitutes an "instrument panel substrate." However, this element is not part of the instrument panel at all. Rather, this element 21 is a substrate for the airbag door. Further, element 21 is not positioned to "subtend the substrate surface of the airbag cover," as required by the present claims. In fact, Figure 2 of Iwanaga shows that the substrate does not subtend the substrate surface of the airbag cover.

Accordingly, as Iwanaga fails to teach a system in which the substrate surface "subtends the substrate surface of the airbag cover," this reference cannot anticipate independent claims 1, 11, 16, 27, and 40 under § 102(b).

Claims 3-4 and 7, and 10 depend either directly or indirectly from independent claim 1. Claims 17-21 and 24 depend either directly or indirectly from independent claim 16. Claims 28, 29, 31, and 32 depend either directly or indirectly from independent claim 27. Claims 41-44, 47, and 50 depend either directly or indirectly from independent claim 40. Accordingly, Applicant respectfully requests that the rejection of claims 3-4, 7, 10, 17-21, 24, 28, 29, 31, 32, 41-44, 47, and 50 be withdrawn for at least the same reasons as those presented above in connection with independent claims 1, 16, 27, and 40. Withdrawal of these rejections is respectfully requested.

## **II. Rejection of Claims 5-6, 11, 13, 23, 31, and 45-46 Under 35 U.S.C. § 103(a)**

The Examiner rejected claims 5-6, 11, 13, 23, 31, and 45-46 under 35 U.S.C. § 103(a) as being unpatentable over Iwanaga in view of Davidson. This rejection is respectfully traversed.

In order to sustain a rejection under 35 U.S.C. § 103(a), each and every claim element must be taught or suggested by the cited references. *See* MPEP § 2143.03. Claims 5-6, 11, 13, 23, 31, and 45-46 all require that "the instrument panel substrate subtends the substrate surface of the airbag cover." As explained above, this claim element is not taught or suggested by Iwanaga. In this regard, Davidson also fails to teach or suggest this claim element. Accordingly, as all of the claim elements have not been taught or suggested by the cited references, claims 5-6, 11, 13, 23, 31, and 45-46 cannot be rejected under § 103(a). Withdrawal of these rejections is respectfully requested.

### **III. Rejection of Claims 8, 14, 25, 33, and 48 Under 35 U.S.C. § 103(a)**

The Examiner rejected claims 8, 14, 25, 33, and 48 under 35 U.S.C. § 103(a) in view of Iwanaga in view of Davidson and in further view of Yokota. This rejection is respectfully traversed.

As mentioned above, in order to sustain a rejection under 35 U.S.C. § 103(a), each and every claim element must be taught or suggested by the cited references. *See* MPEP § 2143.03. In the present case, claims 8, 14, 25, 33, and 48 all require that "the instrument panel substrate subtends the substrate surface of the airbag cover." This claim element is not, as discussed above, taught or suggested by Iwanaga or Davidson. Likewise, Yokota also fails to teach or suggest this claim element. Accordingly, as this claim element is not taught or suggested by the references, the rejection under § 103(a) cannot be maintained. Withdrawal of this rejection is respectfully requested.

### **IV. Rejection of Claims 9, 15, 26, 34, and 49 Under 35 U.S.C. § 103(a)**

The Examiner rejected claims 9, 15, 26, 34, and 49 under 35 U.S.C. § 103(a) in view of Iwanaga in view of Davidson and in further view of Bauer. This rejection is respectfully traversed.

As mentioned above, in order to sustain a rejection under 35 U.S.C. § 103(a), each and every claim element must be taught or suggested by the cited references. See MPPEP § 2143.03. In the present case, claims 9, 15, 26, 34, and 49 all require that "the instrument panel substrate subtends the substrate surface of the airbag cover." This claim element is not, as discussed above, taught or suggested by Iwunaga or Davidson. Likewise, Bauer also fails to teach or suggest this claim element. Accordingly, as this claim element is not taught or suggested by the references, the rejection under § 103(a) cannot be maintained. Withdrawal of this rejection is respectfully requested.

#### V. Conclusion

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,

  
\_\_\_\_\_  
Sally J. Brown  
Reg. No. 37,788  
Attorney for Applicant(s)

Date: December 4, 2007

Autoliv ASP, Inc.  
3350 Airport Road  
Ogden, Utah 84405  
Telephone: (801) 625-4994

3. ALL CLIENTS 2947 Admin 2940.2 128 G:\R 6-25-07 2509 2.1788\ep-uscl\Mag\07\Office\Autos.doc